

DOCKET NO. ETH1572

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Steven C. Arnold, et al.

Serial No.: 09/896,004

Art Unit: 1616

Filed : June 29, 2001

Examiner: Neil S. Levy

For : COMPOSITIONS AND MEDICAL DEVICES UTILIZING
BIOABSORBABLE POLYMERIC WAXESRECEIVED
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SEP 28 2005

CERTIFICATE OF TRANSMISSION UNDER 37 C.F.R. §1.8I hereby certify that this correspondence is being faxed to the
United States Patent & Trademark Office at (571) 273-8300 onSeptember 28, 2005

(Date of Deposit)

Matthew S. Goodwin

(Name of applicant, assignee, or Registered Representative)

/Matthew S. Goodwin/

(Signature)

September 28, 2005

(Date of Signature)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450TERMINAL DISCLAIMER

Dear Sir:

Your Petitioner, ETHICON, INC., a corporation of the State of New Jersey, represents that it is the Assignee of the entire right, title and interest in and to the subject matter disclosed in the above-captioned patent application. ETHICON, INC. is the owner of U.S. Patent Application Serial No. 09/896,004, filed June 29, 2001 as evidenced by the attached copies of documents sent on August 29, 2001 for recording in the United States Patent and Trademark Office.

Your Petitioner, ETHICON, INC. hereby disclaims, under the provisions of 35 USC 253 and 37 CFR 1.321 and 3.73, the terminal part of any patent granted on application Serial No. 09/896,004 which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 and 173 of any patent granted on pending application Serial No. 10/183,260. Petitioner, ETHICON, INC. hereby agrees that any patent granted on application Serial No. 09/896,004 shall be enforceable only for and during such period that the legal title of said

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patent shall be the same as the legal title to any patent granted on the second application Serial No. 10/183,260, this agreement to run with any patent granted on application Serial No. 09/896,004 and to be binding upon the grantee, its successors or assigns..

In making the above disclaimer, the Petitioner, ETHICON, INC., does not disclaim the terminal part of any patent granted on the instant patent application Serial No. 09/896,004 that would extend to the expiration date of the full statutory period as defined in 35 U.S.C. 154 and 173 of any patent granted on the second application Serial No. 10/183,260 in the event that any such granted patent: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. 1.321, has all claims canceled by a reexamination certification, is reissued, or is in any manner terminated prior to the expiration of its full statutory term.

The Terminal Disclaimer fee set forth in 37 CFR 1.20(d) and any additional fees which may be owed in connection with the filing of this Terminal Disclaimer can be charged to Johnson & Johnson Deposit Account No. 10-0750/ETH1572/MSG. Three copies of this sheet are enclosed.

Signed at New Brunswick, New Jersey this 28th day of September, 2005

Respectfully submitted,

ETHICON, INC.

/Matthew S. Goodwin/

Matthew S. Goodwin
Reg. No. 32,839

Johnson & Johnson
One Johnson & Johnson Plaza
New Brunswick, NJ 08933-7003
(732) 524-3849
Date: September 28, 2005

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patent shall be the same as the legal title to any patent granted on the second application Serial No. 10/325,768, this agreement to run with any patent granted on application Serial No. 09/896,004 and to be binding upon the grantee, its successors or assigns.

In making the above disclaimer, the Petitioner, ETHICON, INC., does not disclaim the terminal part of any patent granted on the instant patent application Serial No. 09/896,004 that would extend to the expiration date of the full statutory period as defined in 35 U.S.C. 154 and 173 of any patent granted on the second application Serial No. 10/325,768 in the event that any such granted patent: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. 1.321, has all claims canceled by a reexamination certification, is reissued, or is in any manner terminated prior to the expiration of its full statutory term.

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